

REMARKS/ARGUMENTS

Claims 1, 5-7, and 9-15 are pending.

Claim 1 has been amended to 'the valve disk designed to function as a container cover' rather than 'the container cover designed to function as a valve disk.' Support for this amendment can be found on page 6, line 8 and page 7, line 14.

Claim 15 has been amended to replace the term 'the apertures' with 'the bores.' Support for this amendment can be found from figure 6 and page 11, line 9 that define **13** as 'lateral openings' (i.e. the lateral openings **13** are shaped as upside-down triangles...). A person of skill in the art would consider 'apertures' to mean either 'openings', or 'bores' (as used in claim 14, supported by figure 3 and page 8, line 17 to also **13**). Accordingly, a person could use these term interchangeably.

The rejection of claims 1, 5-7 and 9-15 under 35 USC 112, second paragraph, is respectfully traversed. Applicant believes that the above amendments to claims 1 and 15 now overcome these rejections.

The rejection of claims 1, 6/1, 7/6/1, 10, 11, and 12 under 35 USC 102(b) as anticipated by US '960 is respectfully traversed. The concept to use the valve disc as a guiding element, is shown in fig. 2 of the present documents. The valve disc has an inner cylindrical extension **8** extending in an outward direction which is a guidance for the closure part **4** or valve stem. On the other hand, US '960 makes use of valve body (designated **13**), which is moulded to the valve disc, as the guiding function. The valve body is an additional part which requires special moulding activity in that it is moulded a round and into the opening of the valve disc. On the other hand, the present invention makes use of a different and new design of the valve disc (which normally is made from metal) which allows to do without a valve body.

The second feature which is entirely different from US '960 is the arrangement of the spring tongue **21**, which is attached to the valve disc by welding or in a form closed manner, see fig. 2 and 3 of the present application. In contrast, US '960 clamps the spring element to a special protrusion of the valve body, without any contact to the valve disc. The spring arrangement of the present invention is much more stable and less susceptible to failure than the arrangement of US '960.

The presence of a valve body in US '960 avoids contact of the closure element or valve stem with the valve disc. This necessitates the arrangement of an elastic element for sealing at the valve body in the form of sealing lips. In contrast thereto, in the present valve there is a sealing element at the valve disc.

The Benediktson reference, US '261 was discussed in detail in our previous response. The features disclosed therein do not add up to the features of US 960 to arrive at the present invention. US '261 teaches a valve which is actuated by tilting and does not have a guidance at all. Thus, no guidance (US'261) and a guidance along the inner surface of a valve body (US '960) do not add up to a guiding concept which makes use of an extension of the valve disc.

Regarding the subclaims, US '960 does not disclose the sealing body or sealing disc of present claim 6; the cited art makes use of sealing lips moulded to the valve body.

Since the cited art does not disclose a sealing disc of claim 6, there is also no anticipation of present claim 7. Finally, US '960 does not anticipate the separate sealing element of claim 12; the prior art only shows scaling elements that are an integral part of the stem or closure part.

The rejection of claims 5, 9, 13 and 14 under USC 103(a) as being unpatentable over Kopp (US'960) in view of Benediktson (US'261), is respectfully traversed. For the reasons stated above, US '261 does not cure the deficiencies of US'960. In addition, as

discussed previously US '261 discloses a valve that is actuated by tilting. Since the present valve makes use of the valve disc as a guidance, there is no freedom for tilting the stem. The technology and requirements, especially with regard to the sealing elements are not comparable. Therefore the skilled person would not consider combining the teachings of US '960 and US '261. In this respect, the subclaims should be allowable with an allowable claim 1.

In view of the foregoing, applicant believes that the application is in condition for allowance and respectfully solicits a Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3881.

Dated: May 12, 2009

Respectfully submitted,

By 
Richard Y.M. Tun
Registration No.: 56,594
BERLINER & ASSOCIATES
555 West Fifth Street
31st Floor
Los Angeles, California 90013
(213) 533-4175
(213) 533-4174 (Fax)
Attorney for Applicant